

The General Process for a Quarry State Mining Permit

The permitting and public comment processes for mining permits are defined in the Land Reclamation Act, 444.772 and 773, RSMo. Here is a short summary of how this works.

Application Process (about a month): A quarry application is received and reviewed by the MDNR Land Reclamation Program; deficiencies are pointed out to the operator who will cure them. Once the application is deemed complete, the operator is given the notice to proceed with public comment requirements.

Public Notice Process (six weeks): The operator must advertise the proposed site once a week for four weeks in a local newspaper certified for public notices, send certified letters to any neighbor whose property borders the proposed mine plan area (if the mine plan area is incised into land wholly owned by the operator then he legally does not have to send these letters out), and send certified letters to the local government authority (city or county level). All of this is followed by an additional two weeks for the public to comment. Anyone in the public can respond during these six weeks of public comment. By law they can just make comments, they can ask for an informal public meeting or they can request a formal hearing. Letters with comments only do not stop a permit, but they are all answered to address concerns. Letters requesting an informal public meeting result in asking the operator if he wants to hold such a meeting. The law provides that the operator has a right to refuse such a meeting. If the meeting is held, it is strictly informal, but if it does not result in resolution, there is still the right to request a formal hearing. Finally, requests for a formal hearing are presented to the Land Reclamation Commission at their next regular meeting after all the public comment time frames have expired. If no one requests a meeting or a hearing, the permit is issued by the Land Reclamation Program.

Hearing Request Process (one to two months): At the Commission meeting, the public who have requested the formal hearing must convince the Land Reclamation Commission that their health, safety or livelihood would be unduly impaired by the issuance of the permit (This standard is from 444.773.3 RSMo). If the Commission is convinced and orders a hearing, then the hearing will take place at some later date, following a fairly lengthy preparation time.

Hearing Process (indefinite timeframe): This hearing is very formal, conducted by a hearing officer, and is exactly like going to civil court to make your claim. Parties are generally represented by attorneys, who file motions, take depositions, call witnesses, and argue the case as if they were on trial. The hearing officer eventually prepares a recommended decision for the Land Reclamation Commission who makes the final decision on whether or not to issue the mining permit.

Final Decision: Administratively, the Land Reclamation Commission is the only agency of state government that can make this final decision. Of course their final decision can then be appealed to a civil court and then further appeals as desired by either party.

The law requires that this permitting process be carried out as prescribed. Other attempts to stop a quarry such as involving elected officials or executive staff generally are outside the process defined in the law, and would not stand up to a legal challenge by the mining industry.

Hopefully this process explanation will help everyone as they get calls about quarry proposals.